

### REMARKS

In reply to the one-month office action of August 23, 2004, applicant submits the following remarks. Claims 1-74 are pending, with claims 1, 15, 20 and 34 being independent.

The office action states that the amendment filed on April 12, 2004 is not fully responsive to the prior office action because the applicant's reply does not include arguments pointing out specific distinctions believed to render the added new claims 35-74 patentable over the applied references. See Office action of August 23, 2004 at page 2.

Applicant respectfully disagrees and notes that the amendment filed on April 12, 2004 in response to the office action of November 10, 2003 included the argument that:

New claims 35-74 depend, directly or indirectly, from independent claims 1, 20 or 34. For at least this reason, applicant requests allowance of new claims 35-74.

See Amendment filed on April 12, 2004 at page 19, lines 4-5. A copy of the amendment is attached.

More particularly, claims 35-46 depend, directly or indirectly, from independent claim 1. As such, the applicant submits that claims 35-46 are allowable at least by virtue of their dependency on claim 1 and for the reasons presented with respect to the allowability of claim 1. For at least this reason, applicant requests allowance of new claims 35-46.

Claims 47-62 depend, directly or indirectly, from independent claim 34. As such, the applicant submits that claims 47-62 are allowable at least by virtue of their dependency on claim 34 and for the reasons presented with respect to the allowability of claim 34. For at least this reason, applicant requests allowance of new claims 47-62.

Claims 63-74 depend, directly or indirectly, from independent claim 20. As such, the applicant submits that claims 63-74 are allowable at least by virtue of their dependency on claim 20 and for the reasons presented with respect to the allowability of claim 20. For at least this reason, applicant requests allowance of new claims 63-74.

Applicant : Michael H. Evelyn et al.  
Serial No. : 09/668,255  
Filed : September 21, 2000  
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Attorney's Docket No.: 13085-020001

No fee is believed due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 15, 2004

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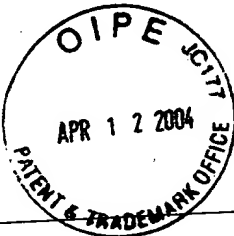
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Attorney's Docket No. 13085-020001	Express Mail Label No.	Mailing Date April 12, 2004	<b>For PTO Use Only</b> <i>Do Not Mark in This Area</i>
Application No. 09/668,255	Filing Date September 21, 2000	Attorney/Secretary Init JFH/BVB/sxw	
Title of the Invention SYSTEM AND METHOD FOR PRICING AND ALLOCATION OF COMMODITIES OR SECURITIES			
Applicant Michael H. Evelyn et al.			
Enclosures ❖ Check in the amount of \$570.00 (Check # <u>174844</u> ) ❖ Amendment in Reply to Action of 11/10/2003 (20 pages)			





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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Michael H. Evelyn et al.	Art Unit :	3624
Serial No. :	09/668,255	Examiner :	Sally Shih
Filed :	September 21, 2000	Confirmation No.:	1374
Title :	SYSTEM AND METHOD FOR PRICING AND ALLOCATION OF COMMODITIES OR SECURITIES		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF NOVEMBER 10, 2003

Please amend the above-identified application as follows:



Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A computer implemented method for conducting an online auction of securities, ~~on the Web~~, comprising the acts of:  
    providing a bid mechanism for receiving a competitive bid having a desired quantity of securities, a public price that is visible to all auction participants, and a private price that is not visible to auction participants other than at most a bidder who submitted the competitive bid and, when received, is within a protected range of the public price, wherein the private price represents a price that has an equal or greater likelihood of the competitive bid being allocated securities than the likelihood of the competitive bid being allocated securities based on the public price and the protected range is associated with the online auction ~~whereby bidders are rewarded for anonymously revealing their bids early~~;  
    providing an allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities; and  
    providing a system whereby all participants can monitor the auction in real time.
2. (Currently amended) The method of claim 1 wherein the securities comprise equity securities or debt securities.
3. (Original) The method of claim 1 wherein the securities comprise commodities.
4. (Original) The method of claim 3 wherein the commodities comprise gold, silver or other commodities traded on a licensed commodity exchange.

5. (Original) The method of claim 1 wherein the bid mechanism comprises an open Dutch auction process.

6. (Currently amended) The method of claim 1 wherein the bid mechanism, ~~whereby bidders are rewarded for anonymously revealing their bids early, further~~ comprises the additional act of entering a competitive bid comprising having a desired quantity of securities, a public price and a private price and two spreads over a benchmark treasury security.

7. (Currently Amended) The method of claim ~~[[6]]~~ 37 wherein ~~each of the two~~ public spreads and a private spread over a benchmark treasury security are stated in terms of one basis point increments.

8. (Currently Amended) The method of claim ~~[[6]]~~ 37 wherein ~~two spreads over a benchmark treasury security comprise a first spread component and a second spread component, and wherein the first public spread component will be is~~ revealed to other bidders ~~or investors over the web by the openbook system, but an identity of the investor bidder associated with who entered the first public spread component will be remains~~ anonymous ~~(that is, not disclosed by the openbook system).~~

9. (Currently Amended) The method of claim 8 wherein the ~~second~~ private spread component may not be less than the ~~first~~ public spread component by more than a protected spread range.

10. (Currently amended) The method of claim 9 wherein the private spread second component (designated the "final bid") ~~will is not be~~ revealed to other bidders ~~or investors~~ until after the auction ends.

11. (Currently amended) The method of claim 8 wherein the first private spread component (the "initial bid") ~~will is not be~~ part of a firm offer by a bidder ~~or investor~~ at the time of auction close.

12. (Currently amended) The method of claim 6 wherein the bidder may enter a non-competitive bid in addition to or in place of a competitive bid (~~designated a "non-competitive" bid~~) comprising wherein the non-competitive bid includes a desired quantity of securities and a spread equal to a designated minimum spread over [[the]] a benchmark treasury security.

13. (Currently Amended) The method of claim 12 wherein each of a new competitive bids and or a new noncompetitive bids ~~will be~~ is marked with a time stamp representing at a date and a time when a confirmation of a the new competitive bid or the new non-competitive bid is received by the openbook system.

14. (Currently amended) The method of claim 1 wherein the allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities further comprises the additional acts of:

conducting an open Dutch auction for a specific security auction deal by means of ~~the openbook system~~ a web-based system, wherein a quantity of securities to be auctioned is designated a [[ ]] deal size [[ ]];

at the end of the auction arranging approved bids from lowest to highest final bid price or spread component of a non-competitive bid;

designating bids as acceptable bids, all approved bids starting with a lowest final bid or lowest spread component for a non-competitive bid until an aggregate quantity of securities requested by the approved bids is greater that or equal to the deal size;

designating as a [[ ]] clearing spread [[ ]], the lowest spread component that results in the aggregate quantity of securities requested by the approved bids being greater that or equal to the deal size;

arranging all acceptable bids in order from earliest to latest time stamp value; and

allocating the securities to the acceptable bidders according to rules agreed upon prior to beginning the auction.

15. (Currently Amended) An apparatus for conducting an online auction of securities, ~~on the Web~~, comprising:

a computer system, connected to Internet communications devices whereby bidders at remote terminals can communicate with the computer system;

a bid mechanism means coupled to the computer system for receiving a competitive bid having a desired quantity of securities, a public price that is visible to all auction participants, and a private price that is not visible to auction participants other than at most a bidder who submitted the competitive bid and, when received, is within a protected range of the public price, wherein the private price represents a price that has an equal or greater likelihood of the competitive bid being allocated securities than the likelihood of the competitive bid being allocated securities based on the public price and the protected range is associated with the online auction ~~rewarding bidders for anonymously revealing their bids early;~~

an allocation means coupled to the bid mechanism means for allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities; and

a display means at the remote terminals, coupled to the computer system via the Internet whereby all participants can monitor the auction in real time.

16. (Currently Amended) The apparatus of claim 15 wherein the securities comprise equity securities or debt securities.

17. (Original) The apparatus of claim 15 wherein the securities comprise commodities.

18. (Currently Amended) The apparatus of claim 17 wherein the commodities comprise gold, ~~or~~ silver or other commodities traded on a licensed commodity exchange.

19. (Original) The apparatus of claim 15 wherein the bid mechanism comprises an open Dutch auction process.



20. (Currently Amended) In a network having a user node including a browser program coupled to said network, said user node providing requests for information and providing bidding input commands on said network, a network node comprising:

[[•]]an ~~openbook-system~~ auction server node responsive to a request from said user node to participate in a securities auction as a qualified bidder, whereby the ~~openbook-system~~ auction server node;

provides a bid mechanism ~~through which bidders are rewarded for~~  
~~anonymously revealing their bids early for receiving a competitive bid~~  
having a desired quantity of securities, a public price that is visible to all  
auction participants, and a private price that is not visible to auction  
participants other than at most a bidder who submitted the competitive bid  
and, when received, is within a protected range of the public price,  
wherein the private price represents a price that has an equal or greater  
likelihood of the competitive bid being allocated securities as the  
likelihood of the competitive bid being allocated securities based on the  
public price and the protected range is associated with the online auction,  
and

provides an allocation of securities which allows winning bidders to pay a single market-clearing price that sells out the offered securities, and provides a system whereby all participating users can monitor the securities auction at the user node.

21. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 20, wherein said securities comprise equity securities or debt securities.

22. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 20, wherein said securities comprise commodities.

23. (Currently Amended) An ~~openbook-auction~~ server node in accordance with claim 22, wherein the commodities comprise gold, ~~or silver~~ or other commodities traded on a licensed commodity exchange.

24. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 20, wherein the bid mechanism comprises an open Dutch auction process.

25. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 21, wherein the bid mechanism further ~~whereby bidders are rewarded for anonymously revealing their bids early~~ comprises entering a competitive bid ~~comprising~~ having a desired quantity of securities, a public price and a private price ~~two spreads over a benchmark treasury security~~.

26. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim ~~25~~48, wherein each of the two public spread[[s]] and private spread ~~over a benchmark treasury security~~ are stated in terms of one basis point increments.

27. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim ~~25~~49, wherein ~~the two spreads over a benchmark treasury security comprise a first spread component and a second spread component, and wherein the first public spread component will be is revealed to other bidders or investors over the web by openbook system, but an identity of the investor bidder associated with who entered the first public spread component will be~~ remains anonymous ~~(that is, not disclosed by the openbook system)~~.

28. (Currently Amended) An ~~openbook-auction~~ server node in accordance with claim 27, wherein the ~~second private spread component~~ may not be less than the first public spread component by more than a protected spread range.

29. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 28, wherein the ~~second component (designated the "final bid ")~~ will private spread is not be revealed to other bidders ~~or investors~~ until after the auction ends.

30. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 27, wherein the ~~first private spread component (the "initial bid ")~~ will is not be part of a firm offer by a bidder ~~or investor~~ at the time of auction close.

31. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 25, wherein the bidder may enter a non-competitive bid in addition to or in place of a competitive bid ~~(designated a "non-competitive " bid)~~ wherein the non-competitive bid includes ~~comprising~~ a desired quantity of securities and a spread equal to a designated minimum spread over a [the] benchmark treasury security.

32. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 31 ~~[[3 1]]~~, wherein each of a new competitive bid[[s]] and or a new non-competitive bid[[s]] ~~will be~~ is marked with a time stamp representing a date and at a time when a confirmation of a the new competitive bid or the new non-competitive bid is received by the ~~openbook-system~~.

33. (Currently Amended) An ~~openbook-system~~ auction server node in accordance with claim 20, wherein the allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities comprises:

a first code mechanism for conducting an open Dutch auction for a specific security auction deal, wherein a quantity of securities to be auctioned is designated a ~~[[ "]]~~deal size~~[[ "]]~~;

a second code mechanism coupled to the first code mechanism for arranging approved bids from lowest to highest final bid price or spread component of a non-competitive bid, the arranging being performed at the end of the auction;

a third code mechanism coupled to the second code mechanism for designating as acceptable bids, all approved bids starting with a lowest final bid or lowest spread component for

a non-competitive bid until an aggregate quantity of securities requested by the approved bids is greater than or equal to the deal size;

a fourth code mechanism coupled to the third code mechanism for designating as a ~~[[ ]]~~ clearing spread ~~[[ ]]~~, the lowest spread component that results in the aggregate quantity of securities requested by the approved bids being greater than or equal to the deal size;

a fifth code mechanism coupled to the fourth code mechanism for arranging all acceptable bids in order from earliest to latest time stamp value; and

a sixth code mechanism coupled to the fifth code mechanism for allocating the securities to the acceptable bidders according to rules agreed upon prior to beginning the auction.

34. (Currently Amended) A computer program product stored on a computer ~~[[d]]~~ useable medium, comprising ~~[[;]]~~ computer readable program comprising one or more code segments configured to ~~means for causing the computer to:~~

conduct an auction of securities on the Web;

provide a bid mechanism for receiving a competitive bid having a desired quantity of securities, a public price that is visible to all auction participants, and a private price that is not visible to auction participants other than at most a bidder who submitted the competitive bid and, when received, is within a protected range of the public price, wherein the private price represents a price that has an equal or greater likelihood of the competitive bid being allocated securities than the likelihood of the competitive bid being allocated securities based on the public price and the protected range is associated with the online auction ~~whereby auction bidders are rewarded for anonymously revealing their bids early;~~

provide an allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities; and

provide a system whereby all participants can monitor the auction in real time.

35. (New) The method of claim 1 wherein:

a public price comprises a public price expressed in currency, and  
a private price comprises a private price expressed in currency.

36. (New) The method of claim 35 wherein the private price is equal to or higher than the public price.

37. (New) The method of claim 1 wherein:

a public price comprises a public price expressed in a public spread that represents the difference between an interest rate that the bidder is willing to accept on the securities being auctioned and an interest rate associated with a selected benchmark treasury security, and

a private price comprises a private price expressed in a private spread that represents the difference between an interest rate that the bidder is willing to accept on the securities being auctioned and an interest rate associated with the selected benchmark treasury security.

38. (New) The method of claim 37 wherein the private price comprises a private spread that is equal to or lower than the public spread.

39. (New) The method of claim 1 wherein an identity of a bidder that entered a particular competitive bid is not revealed in association with the public price of the particular competitive bid.

40. (New) The method of claim 1, further comprising:

associating with a particular competitive bid a time stamp that is representative of a date and a time at which the particular competitive bid is received, and  
using the time stamp in the allocation of securities.

41. (New) The method of claim 40 wherein using the time stamp in the allocation of securities comprises allocating securities to an earlier received competitive bid before allocating securities to a later received competitive bid.

42. (New) The method of claim 40 further comprising:

receiving a modification for the particular competitive bid, with the modification providing a new private price that exceeds the protected range, and

associating with the particular competitive bid an updated timestamp that is representative of a date and a time at which the modification is received, and using the updated time stamp in the allocation of securities.

43. (New) The method of claim 2 wherein the debt securities comprise one of corporate bonds, municipal bonds, mortgage-backed bonds, emerging market bonds, and junk bonds.

44. (New) The method of claim 1 wherein the securities comprise money market instruments.

45. (New) The method of claim 44 wherein the money market instruments comprise one of United States treasury bills, bank certificates of deposit, commercial paper and repurchase agreements.

46. (New) The method of claim 1 wherein:  
providing the bid mechanism comprises providing a bid mechanism for receiving at least one competitive bid and at least one non-competitive bid having a desired quantity of securities and no price limitation; and

providing the allocation of the securities comprises providing an allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities, the allocation allocating securities to non-competitive bids before allocating securities to competitive bids.

47. (New) The computer program product of claim 34 wherein the securities comprise equity securities or debt securities.

48. (New) The computer program product of claim 34 wherein the securities comprise commodities.

49. (New) The computer program product of claim 48 wherein the commodities comprise gold, or silver or other commodities traded on a licensed commodity exchange.

50. (New) The computer program product of claim 34 wherein the bid mechanism comprises an open Dutch auction process.

51. (New) The computer program product of claim 34 wherein:  
a public price comprises a public price expressed in currency, and  
a private price comprises a private price expressed in currency.

52. (New) The computer program product of claim 51 wherein the private price is equal to or higher than the public price.

53. (New) The computer program product of claim 34 wherein:  
a public price is expressed in a public spread that represents the difference between an interest rate that the bidder is willing to accept on the securities being auctioned and an interest rate associated with a selected benchmark treasury security, and  
a private price is expressed in a private spread that represents the difference between an interest rate that the bidder is willing to accept on the securities being auctioned and an interest rate associated with the selected benchmark treasury security.

54. (New) The computer program product of claim 53 wherein the private price comprises a private spread being equal to or lower than the public spread.

55. (New) The computer program product of claim 34 wherein an identity of a bidder that entered a particular competitive bid is not revealed in association with the public price of the particular competitive bid.

56. (New) The computer program product of claim 34 wherein the one or more code segments are further configured to:

associate with a particular competitive bid a time stamp that is representative of a date and a time at which the particular competitive bid is received, and use the time stamp in the allocation of securities.

57. (New) The computer program product of claim 56 wherein using the time stamp in the allocation of securities comprises allocating securities to an earlier received competitive bid before allocating securities to a later received competitive bid.

58. (New) The computer program product of claim 56 wherein the one or more code segments are further configured to:

receive a modification for the particular competitive bid, with the modification providing a new private price that exceeds the protected range,

associate with the particular competitive bid an updated timestamp that is representative of a date and a time at which the modification is received, and

using the updated time stamp in the allocation of securities.

59. (New) The computer program product of claim 47 wherein the debt securities comprise one of corporate bonds, municipal bonds, mortgage-backed bonds, emerging market bonds, and junk bonds.

60. (New) The computer program product of claim 34 wherein the securities comprise money market instruments.

61. (New) The apparatus of claim 60 wherein the money market instruments comprise one of United States treasury bills, bank certificates of deposit, commercial paper and repurchase agreements.

62. (New) The computer program product of claim 34 wherein:



the bid mechanism comprises a bid mechanism for receiving at least one competitive bid and at least one non-competitive bid having a desired quantity of securities and no price limitation; and

the allocation of the securities comprises an allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities, the allocation allocating securities to non-competitive bids before allocating securities to competitive bids.

63. (New) The auction server node of claim 20 wherein:

the public price is expressed in currency, and

the private price is expressed in currency.

64. (New) The auction server node of claim 63 wherein the private price is equal to or higher than the public price.

65. (New) The auction server node of claim 20 wherein:

the public price is expressed in a public spread that represents the difference between an interest rate that the bidder is willing to accept on the securities being auctioned and an interest rate associated with a selected benchmark treasury security, and

the private price is expressed in a private spread that represents the difference between an interest rate that the bidder is willing to accept on the securities being auctioned and an interest rate associated with the selected benchmark treasury security.

66. (New) The auction server node of claim 65 wherein the private price comprises a private spread equal to or lower than the public spread.

67. (New) The auction server node of claim 20 wherein an identity of a bidder that entered a particular competitive bid is not revealed in association with the public price of the particular competitive bid.

68. (New) The auction server node of claim 20 wherein the bid mechanism further comprises:

associating with a particular competitive bid a time stamp that is representative of a date and a time at which the particular competitive bid is received, and  
using the time stamp in the allocation of securities.

69. (New) The auction server node of claim 68 wherein using the time stamp in the allocation of securities comprises allocating securities to an earlier received competitive bid before allocating securities to a later received competitive bid.

70. (New) The auction server node of claim 68 wherein the bid mechanism further comprises:

receiving a modification for the particular competitive bid, with the modification providing a new private price that exceeds the protected range,  
associating with the particular competitive bid an updated timestamp that is representative of a date and a time at which the modification is received, and  
using the updated time stamp in the allocation of securities.

71. (New) The auction server node of claim 21 wherein the debt securities comprise one of corporate bonds, municipal bonds, mortgage-backed bonds, emerging market bonds, and junk bonds.

72. (New) The auction server node of claim 20 wherein the securities comprise money market instruments.

73. (New) The auction server node of claim 72 wherein the money market instruments comprise one of United States treasury bills, bank certificates of deposit, commercial paper and repurchase agreements.

74. (New) The auction server node of claim 20 wherein:

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the bid mechanism comprises a bid mechanism for receiving at least one competitive bid and at least one non-competitive bid having a desired quantity of securities and no price limitation; and

the allocation of the securities comprises an allocation of the securities which allows winning bidders to pay a single market-clearing price that sells out the securities, the allocation allocating securities to non-competitive bids before allocating securities to competitive bids.

### REMARKS

In reply to the action mailed November 10, 2003, applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks.

Claims 1-74 are pending, with claims 1, 15, 20 and 34 being independent. Claims 1, 2, 6-16, 18, and 20-34 have been amended. Claims 35-74 have been added by this amendment.

Independent claim 1 recites a computer-implemented method for conducting an online auction of securities that includes, *inter alia*, providing a bid mechanism for receiving a competitive bid having a desired quantity of securities, a public price that is visible to all auction participants, and a private price that is not visible to auction participants other than at most a bidder who submitted the competitive bid. At the time the competitive bid is received, the competitive must be within a protected range of the public price. The protected range is associated with the online auction. The private price represents a price that has an equal or greater likelihood of the competitive bid being allocated securities as the likelihood of the competitive bid being allocated securities based on the public price.

Independent claim 15 recites an apparatus for conducting an online auction of securities in a manner corresponding to that of claim 1. Independent claims 20 and 34 recite, respectively, an apparatus and a computer program product stored on a computer readable medium for conducting an online auction of securities in a manner corresponding to that of claim 1.

Claims 1-4, 6-13, 15-18, 20-23, 25-32 and 34 are rejected under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 6,058,379 (Odom). Applicant requests withdrawal of this rejection because Odom fails to describe or suggest providing a bid mechanism that includes receiving a competitive bid having a desired quantity of securities, a public price that is visible to all auction participants, and a private price that is not visible to auction participants other than at most a bidder who submitted the competitive bid and, when received, is within a protected range of the public price, where the private price represents a price that has an equal or greater likelihood of the competitive bid being allocated securities as the likelihood of the competitive bid being allocated securities based on the public price and the protected range is associated with the online auction.

Odom discloses a system and network for networked exchange of goods and services. See Odom at col. 1, lines 7-10. Odom discloses trading shares of stock in which a bidder and seller use a bidding mechanism to raise and lower bids and offers to allow electronic price negotiation between buyers and sellers. See Odom at col. 10, lines 37-59. However, Odom does not disclose receiving a competitive bid having a desired quantity of securities, a public price that is visible to all auction participants, and a private price that is not visible to auction participants other than at most a bidder who submitted the competitive bid and, when received, is within a protected range of the public price, wherein the private price represents a price that has an equal or greater likelihood of the competitive bid being allocated securities as the likelihood of the competitive bid being allocated securities based on the public price and the protected range is associated with the online auction, as recited in claim 1.

Accordingly, independent claims 1, 15, 20 and 34 are allowable over Odom. Claims 4, 6-13, 16-18, 21-23, and 25-32 are allowable at least by virtue of their dependence on claims 1, 15, and 20, respectively.

Claims 5, 14, 19, 24 and 33 have been rejected under 35 U.S.C. § 103 as being unpatentable over Odom in view of U.S. Patent No. 6,044,363 (Mori). Applicant requests withdrawal of this rejection because Mori does not remedy the failure of Odom to describe or suggest the subject matter of the independent claims. Mori discloses an automatic auction system in which a bidder enters, for an auction subject, a desired price and the highest possible price in competition for the desired price. See Mori at col. 2, lines 28-35. Thus, Mori does not describe or suggest receiving a competitive bid having a desired quantity of securities, a public price that is visible to all auction participants, and a private price that is not visible to auction participants other than at most a bidder who submitted the competitive bid and, when received, is within a protected range of the public price, where the private price represents a price that has an equal or greater likelihood of the competitive bid being allocated securities as the likelihood of the competitive bid being allocated securities based on the public price and the protected range is associated with the online auction, as recited in claims 1, 15 and 20. Accordingly, applicant submits that the claims 5, 14, 19, 24 and 33 are allowable over Odom in view of Mori at least by virtue of the claims dependency on independent claims 1, 15, and 20.

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Claims 8, 10-12, 14, 27, 30, 31 and 33 have been objected to for including either quotation marks or parentheses explaining certain terms in the claims. Applicant has amended these claims in response to the objection and, accordingly, asks for withdrawal of the objections.

New claims 35-74 depend, directly or indirectly, from independent claims 1, 20 or 34. For at least this reason, applicant requests allowance of new claims 35-74. Support for the new claims can be found, for example, in the specification at page 12, lines 16-27; page 17, lines 13-16; page 24, lines 16-24; and original claims 2-5. As such, no new subject matter has been added.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated November 10, 2003, be extended for two months to and including April 12, 2004 (due to April 10, 2004 falling on a Saturday).

Enclosed is a \$570.00 check for excess claim fees (\$360.00) and for the Petition for Extension of Time fee (\$210.00). Please apply any other charges or credits to deposit account 06-1050.

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